

DATE: 11/8/07 CASE NUMBER: 07-10729M-001

CLOSED

USA vs. Sergio Belman-Gomez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER _____
LANGUAGE _____

Attorney for Defendant Matthew Johnson (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☐ PRESENT ☒ NOT PRESENT ☒ RELEASED

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be ____ Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

Set for:

Before:

☐ Defendant ordered temporarily detained in the
custody of the United States Marshal

☐ Defendant ordered released _____

☐ Defendant continued detained pending trial

☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Probable cause found ☐ Dismissed

☐ Held to answer before District Court

STATUS HEARING: re: _____

☐ Held ☐ Con't ☐ Reset

Set for:

Before:

Other: Prosecution Agent Mario Guerrero appears for the Government and moves to dismiss complaint.
Defense has no objection. The defendant never appeared in court due to medical reasons.

Recorded by Courtsmart (1 min)
BY: Angela J. Tuohy
Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Sergio BELMAN-Gomez

Citizen of Mexico

YOB: 1971

A72 710 042

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10729M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about November, 08, 2004, Defendant Sergio BELMAN-Gomez was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about November 3, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about November 3, 2007, within the Southern District of California, Defendant Sergio BELMAN-Gomez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on July 21, 2004 (Felony).

COUNT III

That on or about November 3, 2007, within the Southern District of California, Defendant Sergio BELMAN-Gomez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

November 5, 2007

Date

at

City and State

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Enrique Moya

Senior Patrol Agent

STATEMENT OF FACTUAL BASIS

Defendant: Sergio BELMAN-Gomez

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on November, 08, 2004. The defendant was also deported on **FIVE MORE** different occasions.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
08/31/93 SEATTLE, WA PD	ASSAULT WITH INTENT	GUILTY. CONVICTED 11 MONTHS JAIL.
10/04/93 SEATTLE, WA PD	CHARGE 1- VUCSA	GUILTY. CONVICTED 88 DAYS, COMM SUPV 12 MONTHS.
02/22/94 SEATTLE, WA PD	CHARGE 1- VUCSA	GUILTY. 2 MONTHS JAIL, COMM SUPV 12 MONTHS
03/15/94 SEATTLE, WA PD	CHARGE 1- ASSAULT CHARGE 2- MALICIOUS MISCHIEF	SENTENCE: UNKNOWN
05/13/97 U.S. BORDER PATROL YUMA, AZ.	CHARGE 1- ILLEGAL ENTRY CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 90 DAYS JAIL.
11/29/01 U.S. BORDER PATROL YUMA, AZ	CHARGE 1- ILLEGAL ENTRY CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 100 DAYS JAIL.
07/21/04 U.S. BORDER PATROL YUMA, AZ.	CHARGE 1- ILLEGAL ENTRY. CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 110 DAYS JAIL.

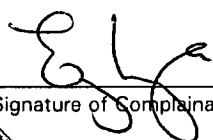
Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on November 3, 2007.

Charges:	8 USC§1326	(Felony)
	8 USC§1325	(Felony)
	8 USC§1325	(Misdemeanor)

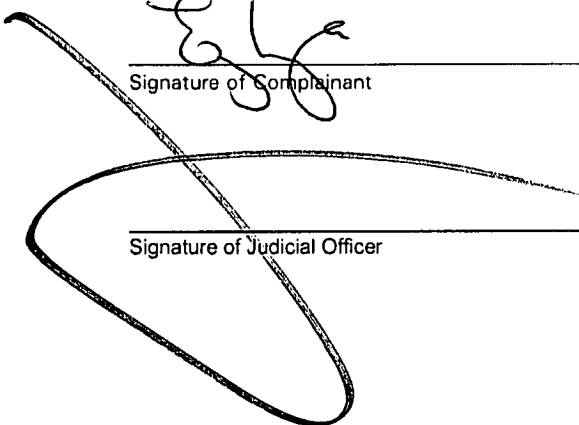


Signature of Complainant

Sworn to before me and subscribed in my presence,

November 5, 2007

Date



Signature of Judicial Officer

I, Senior Patrol Agent Enrique Moya, declare under penalty of perjury, the following is true and correct:

Defendant: Sergio BELMAN-Gomez

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on November, 08, 2004. The defendant has been deported on **FIVE MORE** different occasions.

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07/21/04 U.S. BORDER PATROL YUMA, AZ.	CHARGE 1- ILLEGAL ENTRY. CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 110 DAYS JAIL.

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

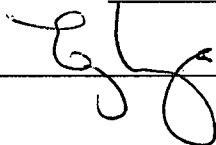
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Charges:	8 USC§1326	(Felony)
	8 USC§1325	(Felony)
	8 USC§1325	(Misdemeanor)

Executed on: Date November 4, 2007 Time: 6:32 AM

Signed:  Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on November 3, 2007 in violation of Title 8, United States Code, Section(s) 1326 and 1325.

Finding made on: Date November 4, 2007 Time 3:42 pm

Signed:  United States Magistrate Judge